

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DIONTE M. SMITH,

Plaintiff,

v.

LT. VINCE HANES, CAPT. MOUNT and
SUPERINTENDENT TRAVIS SCOTT,

Defendants.

Case No. 17-cv-404-JPG-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 32) of Magistrate Judge Stephen C. William recommending that the Court grant defendant Lt. Vince Hanes’s motion for summary judgment (Doc. 25) and dismiss plaintiff Dione M. Smith’s claims against Hanes without prejudice for failure to exhaust administrative remedies.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 32);
- **GRANTS** Hanes’s motion for summary judgment (Doc. 25);
- **DISMISSES** Count 1 against defendant Hanes **without prejudice** for failure to exhaust administrative remedies as required by 42 U.S.C. § 1997e(a); and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: May 29, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE